IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7037 OF 2005

Madhukar Laxman Kulkarni ..Petitioner.

Versus

1.Namdev Pandurang Mane & Ors. ..Respondents.

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Mr. S.S. Patwardhan for the Petitioner.
Mr. A.B. Kadam for the Respondent Nos. 4 & 5.

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**CORAM : S. A. BOBDE, J.**
**DATED : 17TH OCTOBER, 2005.**

**P.C.:**

1. Rule returnable forthwith. Mr. Kadam, Advocate waives notice of rule for the respondent Nos. 4 and 5. Heard by consent.

2. After hearing the matter for some time, following order is passed by consent.

ORDER

i. Issue regarding tenancy of the petitioner may be framed by the trial court.

ii. The respondents shall be at liberty to oppose

reference under section 85-A before the Tenancy Court under the Bombay Tenancy and Agricultural Lands Act on the ground that there is no material as held by the judgment of the Division Bench of this Court reported in 1981 Mh. L.J. 321.

iii. Rule is disposed of in the above terms.

DT. 17.10.05 (S.A.BOBDE,J)

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